

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JOHN WATSON and LESLI WATSON	§	
	§	
Plaintiffs,	§	
	§	
VS.	§	Case No. 4:12cv745
	§	
UNITED STATES OF AMERICA, ET AL.	§	
	§	
Defendants.	§	

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE AND
ORDER DISMISSING CASE**

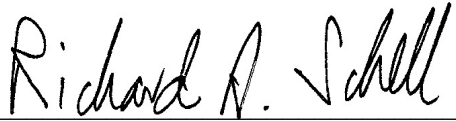
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 15, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant United States of America's Motion to Dismiss for Lack of Subject-Matter Jurisdiction Under Rule 12(b)(1) (Dkt. 16) be GRANTED, that Plaintiff John Watson's claim as to the United States be dismissed without prejudice, that Lesli Watson's claim against the United States be dismissed with prejudice, that Plaintiffs' claims against Defendants Ben Fitzgerald Real Estate Services, LLC d/b/a Rosemark, Ben Fitzgerald Real Estate Services, II, LLC, and J. J. Mackey Electric, Inc. be dismissed without prejudice, and that Defendant Ben Fitzgerald Real Estate Services, LLC d/b/a Rosemark, and Ben Fitzgerald Real Estate Services, II, LLC's Motion to Dismiss (Dkt. 12) be DENIED as MOOT.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Defendant United States of America's Motion to Dismiss for Lack of Subject-Matter Jurisdiction Under Rule 12(b)(1) (Dkt. 16) is GRANTED, Plaintiff John Watson's claim as to the United States is hereby dismissed without prejudice, and Lesli Watson's claim against the United States is hereby dismissed with prejudice. Further, Plaintiffs' claims against Defendants Ben Fitzgerald Real Estate Services, LLC d/b/a Rosemark, Ben Fitzgerald Real Estate Services, II, LLC, and J. J. Mackey Electric, Inc. are dismissed without prejudice, and Defendant Ben Fitzgerald Real Estate Services, LLC d/b/a Rosemark, and Ben Fitzgerald Real Estate Services, II, LLC's Motion to Dismiss (Dkt. 12) is DENIED as MOOT.

This matter shall be closed on the court's docket, and all costs shall be borne by the parties incurring same.

IT IS SO ORDERED.

SIGNED this the 24th day of February, 2014.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE